

The Honorable Edward F. Shea

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

MARIA ISABEL MARTINEZ and JAIME
CUIN ESQUIVEL, husband and wife; and
LEONEL MARCIAL, Guardian ad Litem for
J.C.M., a Minor,

Plaintiffs,

vs.

OKANOGAN-DOUGLAS COUNTY
PUBLIC HOSPITAL DISTRICT NO. 1,
d/b/a Okanogan Douglas Hospital; and the
UNITED STATES OF AMERICA,

Defendants.

Case No. CV-10-087-EFS

STIPULATED, AGREED ORDER OF
VOLUNTARY DISMISSAL WITHOUT
PREJUDICE

COMES NOW, plaintiffs Maria Isabel Martinez, Jaime Cuin Esquivel, and
Leonel Marcial, Guardian ad Litem for J.C.M., a Minor, and presents a
Stipulated, Agreed Order of Voluntary Dismissal Without Prejudice to the Court.

This stipulation is brought to cure a potential procedural defect in the
timing of the filing of the lawsuit that may threaten subject matter jurisdiction.

1 Dismissal of the instant lawsuit is sought in order to timely refile and cure said
2 defect.

3
4 This stipulation was discussed in conversation with Assistant U.S.
5 Attorney Rolf Tangvald on August 4, 2010. Mr. Tangvald agreed with the
6 decision and to stipulate to it. Mr. Tangvald reserves his right to argue other
7 potential procedural issues as they may occur.

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9 This stipulation was also discussed with attorney for defendant
10 Okanogan Douglas Hospital, Mr. Jim King. Mr. King also agreed to stipulate to
11 such an order.

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13 RESPECTFULLY SUBMITTED this 4th day of August, 2010.
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16 Patricia K. Greenstreet
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18 Chemnick Moen Greenstreet
19 Attorneys for Plaintiffs

20 PKH per tele authority
21 James B. King
22 Evans, Craven & Lackie, P.S.
23 Attorney for the Okanogan Douglas
24 Hospital
25 8-4-10

26 Agreed to telephonically, Notice of
Presentment waived.

27 PKH per tele authority 8-4-10
28 Rolf H. Tangvald
29 Assistant United States Attorney
30 Attorney for the Federal Defendants

ORDER

This Court having considered the Stipulated, Agreed Order of Voluntary Dismissal Without Prejudice, it is therefore,


ORDERED that all Defendants are dismissed without prejudice. This dismissal without prejudice against all defendants is effective immediately. This file shall be CLOSED.

SIGNED this 5th day of August, 2010.

s/ Edward F. Shea

Judge Shea

PRESENTED BY:



Patricia K. Greenstreet

WSBA # 14359

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Attorney for Plaintiffs